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**MESSAGE**Re: U.S. Patent Application of BERMAN  
Serial No. 09/330,755  
Docket No. 895,080-008**Kindly confirm receipt by return facsimile. Thank you.****RECEIVED  
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Patent  
Attorney Docket: 895,080-008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 12 2005

In re the Application of:

STUART BERMAN

Serial No.: 09/330,755

Filed: June 11, 1999

For: FIBRE CHANNEL SWITCHING SYSTEM

Group Art Unit: 2665

Examiner: Daniel J. Ryman

**LETTER REGARDING RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment (37 C.F.R. §1.121) dated June 28, 2005, Applicant resubmit the enclosed Request for Continued Examination and Amendment for reconsideration. The enclosed RCE and Amendment has been modified only insofar as a clean version of the Amendments to the Claims including a complete listing of all claims is provided. Please refer to our RCE and Amendment filed on May 24, 2005, for all enclosed attachments referred to therein.

The undersigned called Legal Instruments Examiner Gordon and Examiner Ryman regarding this matter and would like to thank them for their assistance in this matter. If any issues remain with regard to this submission or if the Examiner feels that an interview might facilitate prosecution of the

<b>Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):</b>	
[ ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
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Dated: July 12, 2005	Name of Person Certifying: <u>Denise Doss</u> Printed Name: Denise Doss

Patent  
Attorney Docket: 895,080-008

application, he is invited to contact the undersigned at (949) 737-2900. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment that may be necessitated to Deposit Account No. 50-0639. .

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: July 12, 2005

By:

  
Jennifer Pascua, Reg. No. 56,489  
Attorney for Applicant

JMP/dnd

**34263**

O'Melveny & Myers LLP  
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PATENT TRADEMARK OFFICE

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Patent  
Attorney Docket: 895,080-008

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Serial No.: 09/330,755

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**RCE AND AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision On Appeal by the Board of Patent Appeals and Interferences mailed on March 24, 2005, Applicants file herewith an RCE of the above referenced application. In conjunction with this request, please enter the following amendment:

**Amendment to the Claims begins on page 2 of this paper.**

**Remarks begin on page 6 of this paper.**

07/14/2005 HLE333 00000007 502862 09330755

01 FC:1801 790.00 DA

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Dated: July 12, 2005

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Printed Name:  
Denise Doss